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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the members of the General Assembly an addendum to the thirty-eighth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution 60/104.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: addendum

Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chair), Malaysia and Senegal.

After postponing its field visit initially scheduled for June, then August, to November 2006, owing to the prevailing situation in the region, the Special Committee was finally able to visit Egypt from 11 to 15 November, Jordan from 15 to 18 November and the Syrian Arab Republic from 18 to 22 November 2006. The present report is an addendum to its thirty-eighth report submitted to the General Assembly at its sixty-first session (A/61/500) and is based essentially on the testimonies gathered from witnesses with a first-hand knowledge of the human rights situation in the occupied Palestinian territories and in the occupied Syrian Golan.

Sections IV and V of the report provide an update on the human rights situation in the occupied territories and in the occupied Syrian Golan, respectively, while section VI presents the conclusions and recommendations of the Special Committee to the General Assembly.

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I. Introduction

1. The present report is an addendum to the thirty-eighth report submitted by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to the General Assembly at its sixty-first session (A/61/500). This report does not constitute a precedent for the future work of the Special Committee as it is a result of the exceptional circumstances that prevailed in the region on the eve of its annual field visit during the second part of 2006.

2. Initially scheduled to take place from 1 to 15 June 2006, the field visit of the Special Committee was postponed to 1-15 August, owing to the limitations of resources allocated to the Special Committee from the regular budget of the United Nations. Thereafter, the seriously deteriorating security situation in the region around the occupied Palestinian territories (OPT) entailed restrictions or movement and travel, both for the Committee and Palestinian witnesses, and the Special Committee was reluctantly compelled to postpone its field visit once again. Its decision was also guided by the information on security and safety at that time provided by the United Nations Department of Safety and Security. The Department suspended United Nations missions to the Syrian Arab Republic and restricted missions to Jordan. The Committee's field visit to the Middle East was then rescheduled and took place from 11 to 22 November 2006 (Cairo, 11-15 November; Amman, 15-18 November; and Damascus, 18-22 November).

3. The current report is based mainly on the testimonies gathered from Palestinian and Syrian, as well as Israeli witnesses. It also includes conclusions and recommendations formulated by the Special Committee following the field visit. As it did in previous years, the Special Committee invited in Cairo and Amman 29 Palestinian witnesses who testified about the human rights situation in the occupied territories. It also met in the Syrian Arab Republic six witnesses from the occupied Syrian Golan.

II. Field visit of the Special Committee to the Middle East

4. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States, represented by the Permanent Representative of Sri Lanka to the United Nations, H.E. Ambassador Prasad Kariyawasam, serving as Chairperson, the Permanent Representative of Malaysia to the United Nations, H.E. Ambassador Hamidon Ali, and the Permanent Representative of Senegal to the United Nations Office at Geneva, H.E. Ambassador Moussa Bocar Ly. During the field visit, Senegal was represented by H.E. Ambassador Mamadou Sow, Technical Adviser at the Ministry for Foreign Affairs in Dakar.

5. Just prior to embarking on the field visit to the Middle East, the Chairman of the Special Committee presented his report to the Fourth Committee of the General Assembly in New York during the debate on the question of Palestine. There was no working session of the Special Committee in New York during this period, owing to the limited time available. The Committee conducted consultations during the fourth session of the Human Rights Council, held in Geneva from 12 to 30 March 2007.

6. In addition, the Chairman of the Special Committee and the member residing in Geneva participated in the commemoration of the International Day of Solidarity with the Palestinian People which took place simultaneously in New York and Geneva on 29 November 2006. A common message was issued in both places.

7. In preparation for the field visit to the Middle East, the Special Committee addressed a letter dated 20 October 2006 to the Permanent Representative of Israel to the United Nations Office at Geneva, which was copied to the Secretary-General on 21 October 2006, requesting full access to the occupied territories in order to fulfil the responsibilities entrusted to it by the General Assembly in its resolution 60/104. However, the Special Committee was once again denied authorization to visit the occupied territories by the Israeli authorities.

8. The Special Committee is grateful to the offices of the United Nations resident coordinators for Egypt, Jordan and, in particular, the Syrian Arab Republic for the much appreciated assistance they extended to the Committee in preparing and facilitating the arrangements for the field visit, despite the difficult and unpredictable circumstances prevailing in the region at that time.

9. The Special Committee welcomed the opportunities to meet with concerned authorities and entities of the three countries visited. In Cairo, members of the Special Committee had fruitful exchanges of views with H.E. Mr. Ahmed Aboul Gheit, Minister for Foreign Affairs; Ms. Naéla Gabr, Assistant Foreign Minister for International Organizations; Dr. Mostapha El Fekky, Chairman of the External Relations Committee at the Parliament; and Dr. Kamel Abulmajv and Mr. Mokhlef Kotb, respectively Vice-President and Secretary-General of the National Council of Human Rights. They also had valuable consultations with Mr. Ahmed Ben Helly and Mr. Mohamed Sobeih, Under-Secretary-General for Political Affairs and Under-Secretary-General for Palestine and the Arab occupied territories, respectively, of the League of Arab States. The Special Committee also participated in a press conference organized by the Director of the United Nations Information Centre which was attended by about 20 representatives of Egyptian and regional media.

10. In Amman, the Special Committee had consultations with H.E. Mr. Aymen Ameri, the Director of the International Relations and Organizations Department, and other officials of the Ministry of Foreign Affairs. It met for the first time a delegation of the Committee on Palestine of the Jordanian Parliament, chaired by Mr. Younis El Jamra, as well as Mr. Ahmad Obaidat, President of the National Council of Human Rights, and several of his associates. The Special Committee exchanged fruitful views with two representatives of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and their respective teams. In Damascus, the Special Committee met with the Deputy Prime Minister for Foreign Affairs and various officials of the Ministry, as well as with the Governor of Quneitra Province, which borders the occupied Syrian Golan. While it was in the area, it had the opportunity to visit the place on the Syrian side from which Syrian citizens can speak with their relatives living in Majdal Shams, one of the five villages in the occupied Syrian Golan, using loudspeakers, as they are separated by a buffer zone of about 300 m of fences and minefields. The Special Committee also visited the large UNRWA Khan Abdoun refugee camp, where the Committee was briefed on the situation of the Palestinian refugees, many of whom had fled Palestine in 1948. It interviewed several of the elderly refugees, who

showed authentic deeds to property in their former villages, and also visited various groups of children and students in their classes.

III. Update on recent developments

11. As mentioned by the Secretary-General in his report dated 11 December 2006 to the Security Council, efforts to form a Palestinian national unity government appear to have stalled. Since June 2006, there has been political deadlock and spiralling violence in the occupied territories with Palestinian militants firing rockets from Gaza into Israel, and massive Israeli military operations and targeted killings which took the lives of hundreds of Palestinians. These alternated with attempts to set in place a ceasefire in Gaza and to restore an Israeli-Palestinian dialogue as well as a broader regional dialogue. Negotiations were pursued under Egyptian auspices for the release of Corporal Gilad Shalit, following his capture on 25 June 2006. Towards the end of the year, Israeli Prime Minister Olmert evoked the possibility of a prisoner exchange of 1,400 Palestinian detainees, including legislators and officials seized by Israel after Corporal Shalit's capture (see S/2006/956, para. 23).

12. The economic situation in Gaza improved little despite the conclusion of the Agreement on Movement and Access on 15 November 2005. Despite the stationing of European Union observers, the Rafah crossing between Gaza and Egypt had only been open for 9 per cent of the time since June 2006, compared with the average of 58 per cent of scheduled hours in 2005. For the whole of 2006, only 14 Palestinian truckloads of produce per day were authorized to exit, a proportion far below the minimum required to prevent the decline of the Palestinian economy. No progress was recorded on the movement of buses and other trucks between Gaza and the West Bank, nor on the rehabilitation of the Gaza airport and seaport facilities (ibid., para. 25). In the West Bank, restrictions imposed on the freedom of movement of Palestinians continued unabated with the ongoing construction of the separation wall and an increase in the number of physical road barriers, the number of which has reached about 540.

13. In his report, the Secretary-General highlighted the fact that no progress had been achieved towards the handover by Israel of the occupied Syrian Golan to the Syrian Arab Republic in return for peace between the two parties. On the contrary, about 20,000 Israeli settlers live in the Golan Heights, alongside a population of about 18,400 Arabs who are totally dependent on the Israeli legal and administrative systems and deprived of free access to their land, adequate social services, and the right to travel to and visit their family members in the Syrian Arab Republic (ibid., paras. 38-39).

14. The international community continued to observe with deep concern the situation in occupied territories, especially in the second half of 2006. At its first special session, held in July 2006, the Human Rights Council adopted resolution S-1/1 in which it decided to dispatch an urgent fact-finding mission to occupied territories, headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which was not accepted by the Israeli authorities. At its third special session, held in November 2006, the Council adopted resolution S-3/1 in which it decided to dispatch a high-level fact-finding mission to travel to Beit Hanoun to assess the situation of victims, address the needs of

survivors, and make recommendations on ways and means to protect Palestinian civilians against further Israeli assaults following the Israeli attack against Beit Hanoun on 8 November 2006 which took the lives of 18 Palestinian civilians, including 6 children. Like the earlier attempt, the two-expert mission, led by Archbishop Desmond Tutu, was aborted, owing to the refusal by Israel to grant visas to the members of the delegation.

15. The General Assembly at its tenth emergency special session adopted on 17 November 2006 resolution ES-10/16 requesting the Secretary-General to establish a fact-finding mission on the Beit Hanoun attack and to report thereon to the Assembly within 30 days. So far, the mission has yet to be deployed. It also adopted resolution ES-10/17 establishing in Vienna the United Nations Register of Damage caused by the construction of the Wall in the Occupied Palestinian Territory, having taken note of the report of the Secretary-General (A/ES-10/361).

16. It is against this background of serious deterioration of the situation in the region, aggravated by the Lebanese crisis in July/August 2006, that the United Nations High Commissioner for Human Rights undertook a visit to the occupied territories and Israel from 19 to 23 November 2006 to take stock of the situation. She visited Beit Hanoun, segments of the wall in the West Bank and Sderot in Israel, where she witnessed systematic, chronic and widespread human rights violations. Her statements highlighting, inter alia, the accountability of all parties concerned, the responsibility to protect civilians and the right to freedom of movement of Palestinians shed light on the imperative need to ensure new ways of protecting both Palestinian and Israeli civilians from the renewed cycle of violence.

17. The Quartet met in Washington, D.C., on 2 February 2007 to discuss the situation in the Middle East. While recognizing the need to end the Israeli-Palestinian conflict, which would contribute to security and stability in the region, the Quartet affirmed the primacy of the road map and expressed support for a process with the goal of ending the occupation that began in 1967 and creating an independent, democratic and viable Palestinian State, living side by side in peace and security with Israel, based on Security Council resolutions 242 (1967) and 338 (1973). The Quartet noted the renewed dialogue between Israeli and Palestinian leaders, culminating on 23 December 2006 with the meeting between Israeli Prime Minister Olmert and Palestinian Authority President Abbas, and the continuing importance of the Arab Peace Initiative, particularly its reflection of a shared commitment to a two-State solution. The Quartet called for Palestinian unity in support of a Government committed to non-violence, recognition of Israel and acceptance of previous agreements and obligations, including the road map, while encouraging donor countries to resume international assistance schemes aimed at strengthening the institution-building capacity of Palestinians to develop their economy.

18. Finally, on 9 February 2007, an agreement was reached in Mecca, Saudi Arabia, between President Abbas and Hamas leader Khaled Meshaal on forming a government of national unity. After the resignation of his Government, Palestinian Prime Minister Ismael Haniyeh was requested by President Abbas to form a government of national unity which was established on 17 March 2007 and included members of Hamas and Fatah as well as independent representatives.

IV. Human rights situation in the occupied territories

19. The Special Committee can only repeat its deep concern about the gravity of the deterioration of the human rights situation in the occupied territories and its rapidly worsening character, which was highlighted by most of the witnesses during its field visit. Perhaps for the first time, feelings of bitterness and anger against the international community, including the United Nations, were bluntly expressed by a number of witnesses who felt abandoned and helpless. They simply did not understand the reasons why the international community remained mute in the face of the intolerable situation of Palestine and wondered what could shake it out of its apathy.

20. Many witness testimonies clearly referred to an ongoing pattern of targeted assassinations of civilians taking a significant toll among children and a resurgence of inter-Palestinian violence, especially in the Gaza Strip, in the absence of the rule of law and the persistence of a general climate of impunity. The ever-growing restrictions imposed by Israeli forces on the freedom of movement of the Palestinian population in the northern areas of the West Bank and between the West Bank and the Gaza Strip by means of road closures, checkpoints and bypass roads for the use of Jewish settlers had a pervasive impact on other fundamental human rights such as the right to an adequate standard of living, including adequate food, clothing and housing, the right to health, the right to work and the right to education. The ongoing expansion of the wall, especially around Jerusalem, Nablus and Hebron, and the strict control of airspace, port facilities, and the entry of human beings and goods and equipment to the Gaza Strip only added to the isolation and paralysis of important segments of the Palestinian population. As far as arbitrary arrests, administrative detention and fair trial guarantees were concerned, there was no progress to highlight since the Special Committee's last report.

21. According to the Office for the Coordination of Humanitarian Affairs statistics, in 2006 a total of 673 Palestinians were killed (142 in the West Bank and 531 in the Gaza Strip) and 127 children lost their lives (24 in the West Bank and 103 in the Gaza Strip) as a result of the Israeli-Palestinian conflict; 25 Israelis were killed (10 in the West Bank, 3 in the Gaza Strip and 12 in Israel). In addition, 1,692 Palestinians were injured in the West Bank and 1,507 in the Gaza Strip, while 472 children were wounded (378 in the West Bank and 94 in the Gaza Strip. In January 2007 alone, a series of violent inter-Palestinian incidents in the Gaza Strip caused the deaths of 56 Palestinians, including 10 children, and injuries to 24; 2 Palestinians lost their lives in the West Bank and 12 were injured.[1]

22. Several witnesses drew the attention of the Special Committee to the drastic increase in the number of civilians killed by aircraft and drones and asserted that new types of weapons had been used by Israeli forces such as fragmentation bombs, which had increased the number of deaths and injuries among civilians and, in particular, among children. Hospitals like the Shifa Hospital in the Gaza Strip reportedly had to deal with unfamiliar injuries which could not be treated by conventional methods. An increasing number of injured people were coming to hospital with amputated upper and lower limbs. Burned bodies had been brought in. Some bodies bore no visible signs of external injury, but an abdominal examination

[1] See OCHA-oPt Protection of Civilians, Summary data tables, Reports to the end of March 2007, pp. 5-8 and pp. 12-13. See also The Humanitarian Monitor, January 2007, No. 9, p. 1.

revealed that the internal organs had been completely crushed in a manner not consistent with conventional blast wounds. In a number of cases, plastic fragments, undetectable by X-ray, had been found. A number of injured patients who had survived and stabilized after operations died days later for no apparent reason. Patients who had undergone surgical removal of a gangrenous organ still developed advance gangrene at the site of the amputation.

23. Several witnesses reported cases of targeted killings. On 1 May 2006, a woman and her three daughters were allegedly targeted in their home in a neighbourhood of Tulkarem at around 3 a.m. by the Israeli Defense Forces (IDF), who were searching for an armed militant. The father, who was in a protected area close to the house, witnessed the successive attacks against his family. Neighbours called an ambulance, but the mother had already died by the time it arrived. A court later stated that there had been no connection between the family and the wanted man. On 13 June 2006, 30 soldiers, backed by bulldozers and a plane reportedly attacked and killed two young men in Nablus. An ambulance was not allowed to collect the bodies for several hours. The entire family of a university professor in the village of Jabalya, comprising his wife and seven children, were reportedly killed on 14 July 2006 and their house destroyed by two missiles launched from an Israeli plane. One witness explained that the increase in such incidents was due to the fact that homes of civilians were often in "security areas" targeted by IDF. Until recently, a distance of 350 m between homes and military targets had been maintained, but that distance had been reduced to 100 m.

24. The plight of injured Palestinian children was often highlighted by witnesses. Many children had not been allowed to go to Egypt via the Rafah border or to Jordan to have much needed surgery or rehabilitation. One witness said that some of the children injured in the Gaza Strip would require respiratory support for the rest of their lives; some had become paralysed, while others suffered head wounds. The cost of adapting their homes to meet their needs in terms of mobility, hygiene, sleeping, etc. amounted to thousands of shekels which the vast majority of families, being poor, were not able to pay for. In a particular case, on 19 July 2006, a missile reportedly fired at a street in Al-Maghazi refugee camp hit a young boy as he walked along the street. The boy lost both legs and was blinded in one eye. He required prostheses costing 57,000 shekels. An Israeli non-governmental organization (NGO) was working with the Israeli Ministry of Defence to raise funds for the purchase of these prostheses. The same witness indicated that many children in Gaza had suffered from protracted mental distress owing to the large number of supersonic flights by Israeli Air Force planes over populated areas, particularly at night and in the early morning, during the "Summer Rains" operation in June/July 2006. Among other symptoms, children allegedly refused to sleep in their own beds.

25. Another witness reported that owing to the current restrictions on movement imposed on the population, 70 per cent of patients had to travel by their own means to meet ambulances at checkpoints, as only 30 per cent could be picked up from their homes. An NGO report revealed that between June and October 2006, there were 89 incidents of ambulances having been delayed, turned back or prevented from crossing a checkpoint. Sometimes, three successive ambulances were necessary to transport a patient the entire way from Nablus to East Jerusalem, involving a journey of several hours. From 30 May to 20 July 2006, six incidents were reported of IDF attacks that harmed Palestinian medical emergency personnel and damaged ambulances while they were collecting casualties or persons injured

during earlier Israeli strikes. In early November 2006, two ambulance staff called to Gaza to rescue a reportedly injured person were shot at in the street by IDF soldiers as they were trying to locate the person.

26. The chances for Palestine to become a viable State reportedly diminished every day. Several witnesses highlighted the fact that the West Bank had been divided into five areas totally isolated from each other. The entire area of Tulkarem and Jenin had only two military checkpoints through which people, including teachers and businessmen, could cross to get to work. Students attending university in Nablus, Birzeit and Jerusalem were regularly delayed at checkpoints. One witness stated that 72 per cent of the students in Jerusalem had been prevented from attending their classes because of the expanding wall. The same witness reported that there were now 12 gates in the wall around Jerusalem, of which only 4 were functioning, further restricting the movement of Palestinians.

27. A witness said that in the Hebron region, about 80,000 dunums of land behind the wall had been confiscated, thereby increasing the pressure on Palestinians, both Christians and Muslims, to leave their lands which ultimately were being used to create new settlements, along with roads for new settlers. About 120,000 Jerusalemites were on the verge of losing their residency rights, owing to the increasing complexity of administrative and other arrangements required to justify their living in Jerusalem. A survey published in July 2006 by the Palestinian Central Bureau of Statistics and the Resource Centre for Palestinian Residency and Refugee Rights entitled "Impact of the Wall and its Associated Regime on the Forced Displacement of the Palestinians in Jerusalem" indicated that about 33 per cent of Jerusalemites had already changed their place of residence; 63.8 per cent were thinking of moving because of the wall. About 86 per cent of people in Jerusalem Governorate required better services to be able to stay in their place of residence. The time spent crossing checkpoints and the timing of the openings were said to be obstacles for about 95 per cent of households. Impeded access by Palestinians to health centres, as well as the inability of medical staff to reach these health centres were serious difficulties for more than 80 per cent of people living outside the wall. About 75 per cent of families with children enrolled in basic/secondary education and 80 per cent of households with children in higher education reported using alternative roads to reach schools. About 84 per cent of families in Jerusalem encountered difficulties in visiting relatives because of the wall. In addition, some 70 per cent of those outside the wall were affected in their ability to take part in cultural and social activities.

28. Several witnesses alluded to the deteriorating situation in the Jordan Valley, which was now totally cut off from the rest of the West Bank. The Jordan Valley was known for its agriculture, producing fruits and vegetables and employing about 15,000 Palestinian workers, of whom only 7,000 had a travel permit allowing them to get to the area. Palestinian workers without Jordan Valley residency were no longer allowed to travel to their workplaces within the Valley. Landowners were prevented from reaching their fields if their residency was outside the Valley. Markets such as Nablus, Jenin, Ramallah, Jericho, Jerusalem and Hebron were increasingly closed to products from the Valley, while Israeli authorities were offering "joint" ventures and "cooperation" deals with the settlers to create dependency and break the autonomy of Palestinian farmers.

29. A report indicated that since last June 2006, the economic crisis had significantly aggravated the water shortage suffered by residents of the West Bank. Some 215,000 Palestinians were living in communities without a network to provide running water. With 46 per cent of the residents living under the poverty line and more than 27 per cent unemployed, water purchases from the Israeli company Mekorot were a heavy financial burden for a substantial segment of the local population. The main reason for the water shortage in the West Bank was that 80 per cent of the Mountain Aquifer, composed of reservoirs of groundwater lying on both sides of the Green Line, was used by Israel, leaving only 20 per cent of water resources for Palestinians. Israel still refused to allow the Palestinian Authority (PA) to access alternate water sources such as the Jordan River basin. Although PA did improve old, inherited water infrastructure, leaking pipes led to a loss of 40 per cent of the water. In addition, during the summer, Mekorot reduced by 15-25 per cent the water sold to Palestinians in order to meet consumption needs in Israel and in the settlements.

30. According to another source of information, about 70 per cent of the Palestinian population throughout occupied territories were now allegedly forced to rely on harvesting rainwater, cisterns, springs, and water purchased from expensive, privately owned water tankers vulnerable to closures, curfews and checkpoints. Drivers were forced to drive convoluted routes to get to their destination, resulting in higher prices. Owing to the ever-deteriorating economic situation, an increasing number of Palestinian households could no longer buy supplies from tankers and relied more and more on contaminated alternative water supplies, with adverse effects on collective health and hygiene. Almost 92 per cent of rural communities did not have access to a wastewater network and spent up to 16 per cent of their monthly income on cesspit waste removal. Accumulation of solid waste continued unabated and tankers transporting this waste were often turned back at checkpoints. Water quality continued to deteriorate as Israeli settlers were discharging untreated wastewater into valleys and open spaces, leading to environmental pollution and the spreading of waterborne diseases in the West Bank.

31. A witness reported about the catastrophic situation he had found in Beit Hanoun, in the northern part of the Gaza Strip, when he quite recently visited a project supporting poor farmers in a rural community of about 70,000 people. Four thousand dunums of land had allegedly been damaged, while many rebuilt roads had again been destroyed and water wells contaminated. Numerous trees had been uprooted. The inhabitants of Beit Hanoun, most of them very poor, were totally desperate. They had no way to recover or rehabilitate the confiscated or destroyed land. For security reasons, restrictions on movement prevented landowners from cultivating their land located on the border with Israel. Despite the scarcity of land in Gaza, vegetables and flowers have grown well, but could not be marketed in the West Bank or abroad as they spoiled as a result of delays due to road closures and checkpoints. In addition, about 300 greenhouses had been destroyed as well as 45 storage facilities. Some 30 barns had also been damaged. Another witness pointed out that the destruction in Beit Hanoun had not only affected public buildings and houses, but also infrastructure such as water pipes. There was a great accumulation of solid waste, garbage and sewage which was further aggravated by recent military incursions in the Gaza Strip. In Bettelayia, west of Beit Hanoun city, the Israelis had left three old-fashioned water treatment facilities which were only working at 60 per cent of their capacity. Although a donor country and the World Bank had pledged to

provide assistance to move these facilities, the initial work undertaken had reportedly been stopped following military operations in the area. About 5 million m^3 of wastewater had accumulated and could at any time erupt and damage neighbouring houses. The situation was no better in Gaza city, where 10,000-15,000 m^3 of wastewater were going directly into the sea. People were constantly struggling with electricity cuts resulting from the destruction of the only power plant in Gaza and the high cost of scarce fuel for their water pumps. They were also faced with the growing danger of floods owing to the malfunctioning of sanitation pipes and other facilities.

32. A witness raised an important issue in relation to the Israeli law regarding State responsibility in the compensation of damages, already amended on several occasions. In July 2005, a new amendment to the law, retroactive to 2000, exempted the State of Israel from having to pay any compensation for damages caused in the occupied territories, de facto providing Israel with impunity during the whole of the second intifada. It tried to give credit to the idea that between two States at war, any financial compensation was to be paid at State level, thereby eliminating any possibility for individuals to get compensation. Several NGOs in Israel and in the occupied territories challenged this amendment in court as a violation of existing international instruments, including human rights and relevant provisions of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War (Fourth Geneva Convention), despite the Israeli position that the Convention does not apply to occupied territories because of the uncertainty of the territorial regime, as well as the advisory opinion of the International Court of Justice. On 13 December 2006, the Israeli Supreme Court overturned the amendment. However, citizens of "enemy States and members of terrorist organizations" would not be permitted to file for compensation, according to the Court's ruling. Palestinians would also have to prove that injury or death, or property damage had been sustained outside the context of a combat situation. The same witness reported the case of a family who grew wine grapes. In May 2000, a rocket was fired by an Israeli tank of a group stationed nearby, killing one of the children and injuring the mother and the daughter in front of the helpless father. Soldiers came over and inquired about alleged terrorists. The father, denying that he was a terrorist, was stripped and beaten in front of his bleeding family members, who later died in the course of a second attack. This tragic incident took place at a location which, initially, was not considered as a conflict zone. In 2006, the Ministry of Defence did declare the area a conflict zone, which closed the door to any kind of compensation. Meanwhile, the case had been submitted to the Haifa court and also to the International Court of Justice. Recently, however, Israel adopted a new law making the submission of such cases by lawyers to the Court an offence.

33. The Special Committee heard various reports about infringements of the right of Palestinians to freedom of thought, conscience and religion. In Hebron, increasing measures of control had been taken against worshippers at the Ibrahimi mosque before its closure by IDF during the October 2006 Ramadan. The mosque was known as a site of long-standing tension between the 5,000 Israeli settlers who had invaded Hebron since the late 1970s and the city's inhabitants. The Halhoul village mosque, in a southern district of Hebron, had been visited on 6 October 2006 by a heavily armed group of Israeli settlers who performed Jewish prayers for half an hour. On 21 October, thousands of Palestinian Muslims reportedly flocked to the Al-Aqsa mosque in Jerusalem to celebrate Lailat al-Qadr, one of the holy days of

Ramadan. Many of them were prevented from entering the city by IDF who stopped them at the Qalandia, Bethlehem and Ar-Ram checkpoints. Other worshippers managed to proceed to the Al-Aqsa mosque and found in their way Israeli riot police and military, firing tear gas and grenades. A number of them were beaten. IDF also fired dozens of tear gas canisters, sound bombs and bullets at the worshippers, who moved back to the mosque. Several hundred of them spent several hours behind the closed doors of the mosque. IDF prevented ambulances from collecting dozens of wounded worshippers, who were later evacuated to the Al-Mqassed Hospital in Jerusalem and to Israeli hospitals. During the 2006 Easter celebrations, many Palestinian Christians had reportedly been refused permits to enter Jerusalem to pray in the Church of the Holy Sepulchre or to go to neighbouring Bethlehem. As of 6 February 2007, IDF allegedly imposed further restrictions on access to Al-Aqsa mosque aimed at preventing Palestinian protests against excavations conducted by IDF in the vicinity of the mosque. According to one source of information, IDF deployed thousands of Israeli police who allegedly prevented Palestinian civilians under 45 from entering the old town.

34. As mentioned earlier, the Special Committee did not record any progress in the situation of detainees held in Israeli jails. Since its last report, the number of detainees had increased, according to a witness who gave the figure of over 10,500 Palestinians held in 28 Israeli jails, including about 800 cases of administrative detention and some 118 female detainees. The number of detained children fluctuated around 300-330. The same witness indicated that up to 80 per cent of detainees' families were prevented from visiting their relatives. Some detainees spent five years without receiving letters addressed to them. Worsening detention conditions were attested to by the number of serious cases in dire need of surgery for a wound, heart disease, or kidney or eye problems. Reference was made to handicapped detainees in wheelchairs. Several cases were also mentioned of women giving birth in prison, hands tied or chained. A number of women and children had been allegedly forced to strip in front of female guards.

35. Another source of information highlighted the dire situation of unaccompanied minors under 16, who were sometimes the only members of the family allowed to visit an imprisoned relative without a special permit following the understanding reached by the International Committee of the Red Cross and Israeli authorities in 2004. Every day, dozens of children aged 3 to 16 left their homes early in the morning and travelled alone, with another sibling or escorted by a neighbour to make the journey, which could take up to 24 hours. Most families tried to find a neighbour visiting the same detention facility where their relative was being held to accompany the children. However, there was no formal supervision of the minors, or any official to ensure that they entered the prison with the required documents. Some of the unescorted children spent the whole day waiting outside to be allowed in. This situation was affecting the children's lives, as they often visited their relatives in detention twice a month, meaning that they were missing four full school days, as they were usually too tired the day after the visit to attend school. The emotional burden of visiting prisons without the support of an adult relative was such that many children suffered subsequent nervousness, aggressivity, and even depression. Most of these children had become the only remaining link between the families and their detained relatives.

V. Human rights situation in the occupied Syrian Golan

36. In the updated report submitted by the Syrian authorities to the Special Committee on 19 November 2006 in Damascus, three new issues were emphasized. The first issue concerned various statements made by the Israeli Prime Minister indicating that he would not give up the occupied Syrian Golan as long as he lived; by the Israeli Minister of Finance asserting that investing in the Golan constituted a strategic objective for Israel and that Israeli settlements in the occupied Golan were a national priority; and by the Minister of Tourism pledging to continue his predecessor's policy of developing tourism in the occupied Golan. The second issue evoked the recent major excavation work undertaken by the Israeli authorities to construct a dam for about 2 million m^3 of water in the Quneitra area, 10 m from the ceasefire line and close to another dam supplying water to Israeli settlements in the neighbourhood. The third issue related to the first International Media Forum on the Golan, held in Quneitra from 5 to 8 November 2006 and attended by Arab and foreign media representatives, who expressed their support for the Syrian Arab people's right to the restoration of their land, the return of displaced persons, and the compensation of people who had been deprived of their land. The Forum also expressed its solidarity with Syrian prisoners detained in Israeli jails.

37. During its visit to Quneitra, the Special Committee had a meeting with the Governor of the area who emphasized in his statement that Israeli practices encompassed every aspect (material, economic, cultural and social) of the lives of Arab citizens in the occupied Syrian Golan, including the continued policy of settlement-building, encroachment on Arab land, destruction of inhabited areas, plundering of archaeological sites, exploitation and expropriation of land and natural resources, and appropriation of water resources. Young men in the occupied Golan were arrested at night for allegedly resisting the occupation, demonstrating on the occasion of Syrian national celebrations, distributing publications or writing slogans on walls condemning the Israeli occupation and affirming their allegiance to the Syrian Arab motherland. Three men arrested in 2005 had been sentenced to nine years' imprisonment for resisting the occupation. Four detainees had recently begun their twenty-second year in detention.

38. Restrictions on the movement of the population of the occupied Syrian Golan were now imposed. In June 2006, the occupation authorities cut off the village of Ghajar from other villages in the neighbourhood by erecting a barrier and a fully equipped crossing point, to the consternation of the population which since then had been subjected to repeated and humiliating searches, including with police dogs.

39. On 10 April 2006, Israel initiated the construction of two tourist villages on the eastern shore of Lake Tiberias on 100 dunums of land, and another village in the Harf Ghulan area on the Batihah plain, on a section of Syrian territory. On 2 July 2006, a group of 20 settler families from Gaza was housed in temporary caravans in the Avne Etan settlement in southern Golan, awaiting the construction of 40 new homes and the allocation of 35 dunums of land per family.

40. The Special Committee also had the opportunity to meet with six witnesses from the occupied Syrian Golan, most of them now living in Damascus, except for three young people who were allowed to visit their relatives in the occupied Syrian Golan during the summer vacation. These young people had been given documents allowing them limited travel similar to those issued by Israeli authorities for animals

in transport. These documents indicated only the name of the students and of their fathers and the fact that they were students, but did not mention anything about their nationality or origin. As last year, stories of separation of families, lack of access to proper health care and education, and various forms of discrimination experienced by students were reported to the Special Committee. In particular, students were not allowed to attend Israeli universities unless they gave up their Syrian nationality. Reportedly, several years could elapse before Israeli authorities would authorize students from the occupied Golan to study in Damascus. Students at the University of Damascus sometimes had to wait 10 years for their degrees from the university to be recognized by Israeli authorities. During their period of study in Syria, they were not allowed to leave the country. Upon their return to the occupied Syrian Golan, they faced unemployment or, if hired, were often paid half of what Israelis would get for similar jobs.

41. Three witnesses said that drugs and prostitution were growing problems. Although forbidden in Israel, it was alleged that drugs and prostitution were allowed, if not encouraged, in the occupied Syrian Golan and targeted young Syrians aged 15-25. Prostitutes were often accused of infecting clients with HIV and other sexually transmitted diseases. Persistent denial of access to proper health care in the occupied Golan was also reported by one witness. A sick child died when his father was stopped at a checkpoint; another sick child died in hospital soon after receiving an injection. One witness reported that news of the deaths of relatives could only be given to separated family members through loudspeakers across the border with the occupied Golan. The witness said that two people had died on the spot when they heard the sad news. Separated family members were usually not allowed to cross the border to attend the funerals of their loved ones.

VI. Conclusions and recommendations

A. Conclusions

42. In the aftermath of its field visit, the Special Committee cannot but emphasize that the harsh military occupation of the occupied territories, with all its negative effects, continues, despite the withdrawal of Israeli forces from the Gaza Strip in August 2005. During the last few months, the Committee has not registered any improvement of the situation. Gaza is still a vast open-air prison, under the strict control of Israeli authorities which have not released their tight grip on the airport and the seaport. The checkpoints of Eretz and Karni remained closed for extended periods, seriously hampering any normal flow of people and goods. Increasing restrictions on movement in the West Bank owing to the expanding construction of the wall and the unabated increase of road closures and checkpoints continue to plague the daily living conditions of Palestinians and hamper the creation of a viable State in Palestine. Similarly, no effort has been undertaken by Israeli authorities to improve the situation in the occupied Syrian Golan.

43. The daily situation of Palestinian people has been worsening because of the number of military incursions, the excessive use of force by Israeli military and the great number of casualties. The Special Committee heard from several witnesses that new types of wounds had been seen, leading to the belief that new weapons were being used against Palestinians by Israeli forces. Various reports also

mentioned that children were increasingly targeted and killed during attacks against civilians, or suffering severe injuries often entailing the amputation of one or more limbs. The Committee was disturbed to hear that a survey conducted by a reputable NGO among Palestinian children in a Gaza school revealed that 40 per cent of them wanted to become suicide bombers.

44. Increased violations of the right to life have gone hand in hand with the expansion of the wall, the increasing expropriation of Palestinian land, the intrusive presence of settlers in occupied territories with their own roads, and the expanding number of road closures and fixed or flying checkpoints. Palestinians were losing opportunities for higher education and the development of their talents and skills owing to their inability to simply move about, or reach their places of study or work, their farmland, or to get food and other basic necessities for themselves and their families. It is now essential that the international community, world media and parliamentarians alert public opinion and the media to these persistent and worrisome developments.

45. It is not possible to equate the responsibilities of Palestinians and Israelis. The latter bear an added responsibility owing to the ongoing neglect of their binding obligations, inter alia those contained in the Fourth Geneva Convention and the 1977 Additional Protocols to the Geneva Conventions, as well as the excessive use of force and the wide range of collective punishments and humiliations imposed on Palestinians as retaliatory measures. The responsibility of Palestinians cannot be excluded either, as rockets launched against Sderot or other Israeli cities have taken the lives of innocent civilians and attest to the current inability of a number of Palestinian leaders to control the activity of militant armed groups. In addition, the renewed cycle of inter-Palestinian violence affecting Palestinian families, especially in the Gaza Strip, reveals once more the absence of the rule of law and order and the impunity that reigns in occupied territories.

46. The Committee agrees with the fundamental desire of Israel to ensure the security of its citizens against the human and material damage caused by rockets launched from the Gaza Strip. However, the legitimate desire of the Government of Israel to provide security for all Israelis cannot be used as an excuse to justify its mistreatment of the Palestinian people, whose aspiration it is to enjoy all their human rights and to live in conditions of a just and durable peace as a neighbour to Israel.

47. The Special Committee wonders how Israeli intellectuals, well-known artists and Nobel Prize laureates, to mention only a few, see their leaders' role vis-à-vis their country waging a war against a nation-to-be, whose population has been subjected to military occupation for 40 years, to increasingly devastating poverty and to drastic infringements of its basic rights, aggravated by the construction of the wall that impinges on every aspect of its daily life.

48. The Special Committee is convinced that the price to be paid sooner or later by Israelis for the extent of human and material losses and damage will be high. The question of compensation for damages was raised by several witnesses when referring not only to the number of Palestinians killed, but also to the high figures of injured and severely handicapped people, the traumatic effects of military incursions on certain segments of the Palestinian population and the severe impact of the wall on the environment, including flooding and the impoverishment of the land annexed for its construction, as well as the huge destruction of property and infrastructure in

the Gaza Strip. The Special Committee welcomes the establishment of the United Nations Register of Damage and sees it as a concrete sign of support to the hundreds of Palestinians and their relatives affected by a wide range of damage inflicted upon them by IDF.

49. The advisory opinion of the International Court of Justice has explicitly pointed at a whole set of legal obligations binding upon the Israeli authorities and also the international community. The time may have come for the United Nations to take stock of the consequences resulting from the non-application by Israel of the advisory opinion of the Court and, eventually, to request the latter to study further the legal consequences of a regime of occupation that has lasted for 40 years for the occupied people, the occupying Power and third States, as suggested by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 in his last report to the Human Rights Council (A/HRC/4/17, para. 62). For its part, the Special Committee for the first time, in its main report, recommended that the Security Council consider sanctions against Israel (A/61/500, para. 97 (a) (iii)).

50. The international community should be aware that countries in the region can no longer sustain on their doorstep the burden of three major crises, Palestine, Iraq and Lebanon. A regional solution to these crises is urgently needed. An international conference involving all parties, regional actors as well as major actors of the international community could be a valuable option to consider.

B. Recommendations

51. Given the ever-continuing, marked deterioration of the human rights situation in the occupied territories, the Special Committee reiterates the recommendations made in its main report (A/61/500, paras. 97-100).

52. In addition, given the unabated violence in occupied territories and the consequent deaths and injuries among Palestinians, as well as Israelis, the Special Committee urges the General Assembly and the Security Council to take appropriate measures to ensure the protection of civilians through, inter alia, the deployment of an international human rights mechanism in occupied territories, as well as carrying out at the national level independent, transparent and comprehensive investigations into allegations of violations of international human rights and humanitarian law resulting from targeted attacks against civilians, with a view to establishing individual responsibility and accountability, providing avenues for redress and reparation, and preventing the recurrence of such violations. Measures should also be taken to prevent intrusive actions by Israel and any act of desecration against holy sites, especially in the vicinity of the Al-Aqsa mosque, or any broader attempt to "Judaize" holy sites, as well as the use of excessive force by IDF against hundreds of Palestinian civilians attending Friday prayers.

53. The Special Committee urges the General Assembly and the Security Council to request Israel, as the occupying Power, to fulfil its international obligations and take urgent concrete steps to ensure the welfare of the Palestinian population, to dismantle Israeli settlements in occupied territories and those sections of the wall already built in the West Bank, to end road closures and checkpoints, and to lift all other restrictions on freedom of movement which infringe other basic rights of the

Palestinian population, including the rights to food, work, health care, education and family life. Such steps should also lead to a fair solution to the refugee question.

54. The Special Committee draws the attention of the General Assembly and the Security Council in particular to the imperative responsibility of the United Nations, including as a member of the Quartet, to assist in developing a new and constructive approach towards the Israeli-Palestinian conflict, bearing in mind that a durable solution, guaranteeing peace and security to both Israelis and Palestinians, can only be achieved if respect for the fundamental human rights of both Israelis and Palestinians is at the heart of the peace process. Any violations of human rights and international humanitarian law by parties to the conflict should be addressed according to the same standards, regardless of whether they are committed by Israelis or Palestinians.

55. The Special Committee urges Israel and major donors of the European Union to put an end to the withholding of Palestinian tax revenues and cuts in international aid, maintained despite an initial amount of US$ 160 million paid by Israel, bearing in mind that the Temporary International Mechanism set up by the European Union and endorsed by the Quartet only focuses on ad hoc, limited humanitarian assistance from the international community to meet the essential needs of the Palestinian population, losing sight of the key priority to assist the Palestinian Authority in building strong national institutions aimed at establishing a viable State.

Annex

List of non-governmental organizations that testified before the Special Committee during its 2006 field visit

1. ADALAH — The Legal Centre for Arab Minority Rights in Israel, Shafa'amr
2. Agricultural Development Association (PARC), Gaza
3. Al Insan Palestinian Benevolent Association, Gaza
4. Al-Haq, Ramallah
5. Al-Marsad — The Arab Centre for Human Rights in the Golan Heights, Majdal Shams
6. Al-Mezan Centre for Human Rights, Gaza
7. Applied Research Institute — Jerusalem (ARIJ), Bethlehem
8. B'Tselem, Israeli Human Rights Organization in the OPT, Jerusalem
9. Democracy & Workers' Rights Centre in Palestine, Ramallah
10. Environment Quality Authority, Gaza
11. Gaza Community Mental Health Programme, Gaza
12. HaMoked — Centre for the Defence of the Individual, Jerusalem
13. Israeli Committee Against House Demolitions (ICAHD), Jerusalem
14. Ittijah — Union of Arab Community Based Associations, Haifa
15. Jerusalem Legal Aid Human Rights Centre, Ramallah
16. Land Defence Committee, Hebron
17. Land Research Centre (LRC), West Bank
18. Mandela Institute, Ramallah
19. Palestinian Medical Relief Society (PMRS), Jerusalem
20. Palestine Red Crescent Society, Jerusalem
21. Palestinian Grassroots Anti-Apartheid Wall Campaign, Jerusalem
22. Palestinian Hydrology Group, Ramallah
23. Palestinian Independent Commission of Citizen's Rights (PICCR), Ramallah
24. Palestinian Journalists Syndicate, Ramallah
25. Palestinian Working Women Society for Development, Gaza
26. Physicians for Human Rights, Tel Aviv
27. Public Committee Against Torture in Israel (PCATI), Jerusalem
28. Solidarity International for Human Rights, Nablus
29. Women's Union in the Occupied Syrian Golan Heights, Majdal Shams

The Special Committee met six witnesses in Quneitra.